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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Afghanistan

1. At its 55th meeting, on 6 July 2015, the Working Group on Children and Armed Conflict examined the third report of the Secretary-General on children and armed conflict in Afghanistan (S/2015/336), introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Representative of Afghanistan to the United Nations also addressed the Working Group.

2. The members of the Working Group welcomed the submission of the report of the Secretary-General, in accordance with Security Council resolutions 1379 (2001), 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015), and took note of the analysis and recommendations contained therein.

3. The members of the Working Group acknowledged the progress made by the Government of Afghanistan in implementing its Action Plan regarding children associated with national security forces in Afghanistan and its annexes on measures to address other violations against children, including sexual violence against children and the killing and maiming of children in contravention of applicable international law (hereinafter referred to as the Action Plan and its annexes) during the reporting period and commended the commitment of the Government to the "Children, Not Soldiers" campaign.

4. However, the Working Group expressed grave concern over the deteriorating situation of children affected by the conflict in Afghanistan, particularly the significant increase in child casualties, the continuing recruitment and use of children in violation of applicable international law, as well as attacks on hospitals, schools and the military use of schools, particularly affecting girls' education, by all parties to the conflict.

5. The members of the Working Group stressed the importance of ensuring adequate funding and support for the rehabilitation and reintegration of children formerly associated with the Afghan National Security Forces (ANSF)[1] and armed

[1] Beginning in 2014, the Security Council, through its resolutions 2189 (2014) and 2210 (2015), referred to ANSF as the Afghan National Defence and Security Forces (ANDSF). The Working Group noted that the components making up ANDSF and ANSF remained the same and in this regard refers to the organization as ANSF, consistent with the term used in the report of the Secretary-General and the Action Plan and its annexes.

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groups. They also emphasized the need to fight impunity and hold all perpetrators of violations and abuses committed against children in armed conflict accountable.

6. The Permanent Representative of Afghanistan reiterated the strong commitment of the Afghan Government to protect the rights of children and briefed the Working Group on major steps taken towards that end. He also described the challenges faced in addressing the violations and abuses against children by non-State armed groups.

7. The statement made by the Permanent Representative of Afghanistan is annexed to the present conclusions.

8. Further to the meeting, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015), the Working Group agreed to the direct action set out below.

Public statement by the Chair of the Working Group

9. The Working Group agreed to address a message, through a public statement issued by the Chair of the Working Group, to all parties to the armed conflict in Afghanistan, including ANSF and in particular all the armed groups operating in Afghanistan, including the Taliban and affiliated groups such as the Tora Bora Front, Jamat Sunat al-Dawa Salafia and the Latif Mansur Network, the Haqqani Network and Hezb-i-Islami of Gulbuddin Hekmatyar, mentioned in the report of the Secretary-General, as well as affiliates of Islamic State in Iraq and the Levant:

(a) Recalling the previous conclusions of the Working Group on children and armed conflict in Afghanistan (S/AC.51/2011/3 and S/AC.51/2009/1);

(b) Expressing its strongest condemnation of the recruitment and use of children, as well as all other violations and abuses committed against children in Afghanistan, including those involving killing and maiming of children, rape and other forms of sexual violence against children, attacks against schools and hospitals, abduction of children and the denial of humanitarian access, in contravention of applicable international law, by all parties to the conflict;

(c) Expressing grave concern over the rising number of children killed and maimed as a result of hostilities between parties to the conflict, explosive remnants of war and the continued use of improvised explosive devices, and strongly condemning the targeting of and indiscriminate use of weapons against civilians and civilian objects, recalling in this regard that indiscriminate attacks and the indiscriminate use of weapons are prohibited under international humanitarian law;

(d) Expressing deep alarm at acts of terrorism committed by non-State armed groups, such as suicide attacks, and deploring the recruitment and use of children by such groups to perpetrate acts of terrorism;

(e) Expressing grave concern over the increasing cases of abduction of children by all parties to the conflict for various purposes, including revenge and ransom, and in this regard urging all parties to immediately cease the abduction of children as well as all violations and abuses committed against abducted children, including those involving recruitment and use, killing and maiming, rape or other forms of sexual violence;

(f) Strongly condemning the targeting of schools and hospitals in violation of international humanitarian law, and noting with deep concern that such attacks, the military use of schools and the targeting of education and medical personnel endanger the safety of children and severely disrupt their access to education and health care;

(g) Urging all parties to the conflict to cease attacks or threats of attacks against schools and hospitals, as well as their personnel, in violation of international humanitarian law and to respect the civilian character of those institutions and their personnel in accordance with international humanitarian law;

(h) Calling upon all parties to the conflict to take immediate and specific measures to end and prevent the perpetration of rape and other forms of sexual violence against children, including the practice of *bacha bazi*, by their members;

(i) Strongly condemning attacks against humanitarian personnel and facilities, including the abduction and killing of humanitarian personnel, and calling upon all parties to the conflict to allow full, unimpeded and secure access for humanitarian assistance, in particular for children, and to ensure the safety and security of humanitarian personnel;

(j) Urgently calling for all parties to the conflict to comply with their applicable obligations under national and international law, including international humanitarian and international human rights law, and to immediately cease all violations and abuses against children;

(k) Expressing concern over allegations of torture and ill-treatment of children in detention for alleged association with armed groups or on national security charges,

(l) Welcoming the commitment of and measures taken by the Government of Afghanistan to implement the Action Plan and its annexes, and calling upon the Government to continue strengthening its child protection efforts, including through the adequate allocation of resources to this end;

(m) Stressing the importance of accountability for all violations and abuses against children, and urging the Government of Afghanistan to put an end to impunity through the implementation and enforcement of relevant legislation as well as by ensuring that all such perpetrators are swiftly brought to justice, including through rigorous, timely, independent and impartial investigation and prosecution;

(n) Acknowledging that the majority of violations and abuses against children in Afghanistan were perpetrated by armed groups, and strongly urging all armed groups in Afghanistan:

(i) To immediately cease and prevent the recruitment and use of children in violation of applicable international law, and to release without preconditions all children associated with their respective groups to relevant child protection actors;

(ii) To immediately cease attacks directed against civilians and civilian objects that result in the killing and maiming of children, and to comply fully with international humanitarian law by, inter alia, putting an end to any targeting of the civilian population, especially children, in violation of

international humanitarian law and any indiscriminate use of weapons, in particular improvised explosive devices, and any use of weapons prohibited by international law;

(iii) To undertake a dialogue with the United Nations, including the Special Representative of the Secretary-General for Children and Armed Conflict, to prepare, adopt and implement without delay action plans to end and prevent violations and abuses against children in line with Security Council resolutions 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011) and 2225 (2015), and reiterating that the full implementation of action plans, verified by the task force on monitoring and reporting, is an important step for a party to the conflict to take in order to be delisted from the annexes of the report of the Secretary-General on children and armed conflict;

(iv) To cease all attacks and threats of attacks against schools, education personnel and students, in particular against schools for girls' education, in violation of applicable international law;

(v) To cease attacks against the wounded and sick, hospitals and other medical facilities, health-care personnel, medical transport and equipment, in accordance with international humanitarian law.

10. The Working Group agreed to address a message, through a public statement issued by the Chair of the Working Group, to community and religious leaders:

(a) Emphasizing their important role in enhancing the protection of children in armed conflict;

(b) Urging them to publicly condemn and continue to advocate ending and preventing violations and abuses against children, in particular those involving recruitment and use of children, rape and other forms of sexual violence against children, abductions, attacks and threats of attacks against schools and hospitals, and denial of humanitarian access.

Recommendations to the Security Council

11. The Working Group agreed to recommend that the President of the Security Council transmit a letter by the Chair of the Working Group addressed to the Government of Afghanistan:

(a) Welcoming the progress made by the Government of Afghanistan in implementing the Action Plan and its annexes signed on 30 January 2011, in particular:

(i) The adoption of a road map towards compliance to expedite implementation of the Action Plan, on 23 July 2014;

(ii) The signing of a presidential decree to criminalize underage recruitment, on 27 August 2014, which came into force on 2 February 2015;

(iii) The issuance of a directive to the Afghan National Police (ANP) and the Afghan Local Police (ALP) prohibiting underage recruitment and the use of children at checkpoints, which includes sanctions for violations of the directive;

(iv) The establishment and strengthening of Child Protection Units within the ANP recruitment centres in the provinces of Herat, Badghis, Ghor and Farah;

(v) The endorsement by the Inter-Ministerial Steering Committee on Children and Armed Conflict of national age assessment guidelines to prevent underage recruitment;

(vi) The endorsement of a national birth registration strategy and progress in increasing birth registration coverage;

(b) Commending the establishment and regular convening of the Inter-Ministerial Steering Committee on Children and Armed Conflict, as well as the Technical Working Group on Children and Armed Conflict, and strongly supporting continued collaboration with United Nations entities;

(c) Recognizing the commitment of the Government of Afghanistan to the "Children, Not Soldiers" campaign, which was launched at the national level on 6 March 2014, and urging the Government to continue taking necessary measures towards preventing and ending the recruitment of children in contravention of applicable international law by the ANSF through the full implementation of the Action Plan and its annexes and the allocation of adequate resources to this end;

(d) Urging the Government of Afghanistan to establish Child Protection Units within all recruitment centres for ANP and ALP, to expedite the dissemination and implementation of the national age assessment guidelines and to strengthen birth and late-birth registration to enhance the capacity of ANSF to identify and prevent underage recruitment, as well as to continue its cooperation with the United Nations in the implementation of the Action Plan and its annexes, including on the prevention of recruitment, accountability measures and the identification, release and reintegration of children associated with ANSF;

(e) Calling upon the Government of Afghanistan to ensure that attention is paid to child protection concerns within peace and reconciliation efforts and, in particular, to use dialogue with non-State armed groups to also agree upon measures to end and prevent violations and abuses against children and strengthen their protection;

(f) Urging the Government of Afghanistan to ensure due process and respect for the rights of all children detained, in line with its obligations under the Convention on the Rights of the Child, to consider and implement alternatives to prosecution and detention that focus on the rehabilitation and reintegration of children, and further calling for continued cooperation with the United Nations on the provision of unimpeded access to children in detention facilities;

(g) Urging the Government of Afghanistan to intensify efforts to address impunity for perpetrators of violations and abuses committed against children by enhancing the dissemination, implementation and enforcement of relevant laws and directives, and strongly encouraging the adoption of a Child Act and other legislation that include provisions criminalizing the recruitment and use of children, including by armed groups, and other violations and abuses against children in contravention of applicable international law;

(h) Further acknowledging recent efforts of the Afghan authorities to end and prevent rape and other forms of sexual violence against children, including the practice of *bacha bazi*, and calling upon the Government of Afghanistan to

strengthen efforts to ensure accountability for perpetrators of rape and other forms of sexual violence against children;

(i) Expressing grave concern over the rising civilian casualties, including children, as a result of the armed conflict, and urging the ANSF to comply with their obligations under international humanitarian law, in particular by distinguishing between military objectives on the one hand and civilians and civilian objects on the other, complying with the principle of proportionality and taking all feasible precautions to minimize civilian casualties;

(j) Expressing concern about incidents affecting access to education and health care, including attacks against schools and hospitals and the military use of schools and medical facilities, including by ANSF, in contravention of applicable international law, and urging the Government of Afghanistan to take appropriate measures to protect schools and hospitals and enhance safe access to education and health care, particularly for girls, further recalling the commitment of the Government to education through its endorsement of the Safe Schools Declaration;

(k) Expressing concern about the ongoing risk and impact of explosive remnants of war on children, and urging the Government to undertake measures to reduce the risks for children, in particular through mine risk education;

(l) Recalling the visit of the Working Group to Afghanistan from 4 to 8 June 2012, and encouraging continued engagement of the Government of Afghanistan with the Working Group on its efforts and assistance required to strengthen protection of children in armed conflict;

(m) Recognizing the establishment, on the initiative of the United Nations Children's Fund and the United Nations Assistance Mission in Afghanistan (UNAMA), of a local group of friends of children in armed conflict in Kabul, whose goal is to coordinate action by Member States to support the Government of Afghanistan in its strategy to fight against the phenomenon of children associated with armed forces and armed groups.

12. The Working Group agreed to recommend that the President of the Security Council transmit a letter by the Chair of the Working Group addressed to the Secretary-General:

(a) Requesting the Secretary-General to ensure that the country task force on monitoring and reporting in Afghanistan and other relevant United Nations agencies continue their engagement and efforts to support the Government of Afghanistan to address violations and abuses committed against children in armed conflict;

(b) Recognizing the importance of monitoring and reporting of violations and abuses against children, further requesting the Secretary-General to ensure the continued effectiveness of the monitoring and reporting mechanism on violations and abuses against children in armed conflict in Afghanistan, especially in areas most affected by conflict;

(c) Requesting the Secretary-General to continue to give priority to the child protection activities and capacity of UNAMA and to continue to include in his future reports information and analysis on children and armed conflict in Afghanistan, in line with relevant Security Council resolutions.

13. The Working Group agreed to recommend the following to the Security Council:

(a) To ensure that the situation of children affected by armed conflict continues to be taken into account by the Security Council when discussing the mandate of UNAMA and its activities;

(b) To ensure the continuation of and support for the implementation of a child protection mandate for UNAMA, especially with regard to monitoring and reporting on violations and abuses committed against children in armed conflict, as well as preventing such violations and abuses, including through training on and mainstreaming of child protection;

(c) To communicate the present document to the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, and the Security Council Committee established pursuant to resolution 1988 (2011).

Direct action by the Working Group

14. The Working Group agreed that the Chair would address a letter to the leadership of the North Atlantic Treaty Organization (NATO) Resolute Support Mission:

(a) Commending the commitment of NATO, in its operations and missions in Afghanistan, to the protection of children in armed conflict and the development of practical, field-oriented measures to address violations and abuses against children;

(b) Calling upon the NATO Resolute Support Mission to continue to provide support in strengthening the child protection capabilities of ANSF, including through training on children and armed conflict and child protection, and underscoring the importance of appointing a child protection adviser in the Mission for this purpose.

15. The Working Group agreed that the Chair would address a letter to the World Bank and donors:

(a) Emphasizing the importance of international support towards enhancing the institutional capabilities of the Government of Afghanistan, and in this regard calling upon the donor community to provide flexible, timely and sufficient funding and support to the Government towards strengthening the protection of children affected by armed conflict, including through the implementation of the Action Plan and its annexes, as well as strengthening overall child protection efforts, including:

(i) Supporting the development and implementation of sustainable multisectoral release and reintegration programmes for all children formerly associated with ANSF and armed groups, emphasizing the importance of psychosocial support, socioeconomic reintegration and the need to support viable and sustainable alternative livelihoods in order to prevent the rerecruitment of children;

(ii) Supporting the provision of access to adequate health care and nutrition, as well as appropriate education and vocational training for all children

affected by armed conflict in Afghanistan, including for girls and children with disabilities;

(iii) Supporting the strengthening of legal and governance mechanisms, particularly with regard to addressing impunity for violations and abuses against children;

(iv) Supporting monitoring and reporting activities to identify priorities to strengthen the protection of children and to support the implementation of and compliance with the Action Plan and its annexes;

(v) Supporting the efforts in the promotion of birth and late-birth registration as a means to prevent recruitment and use of children in Afghanistan.

Annex

Statement by the Permanent Representative of Afghanistan to the United Nations on the report of the Secretary-General on children and armed conflict in Afghanistan (S/2015/336), made at the 55th formal meeting of the Working Group on Children and Armed Conflict

6 July 2015

I would like to thank Malaysia for its chairmanship of the Working Group and for the opportunity to be present here today. I would also like to thank the Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui, for her remarks, as well as her tireless efforts and stewardship in promoting children's rights all over the world, especially in my country. We have taken note of the report of the Secretary-General on children and armed conflict in Afghanistan and welcome the recommendations contained therein.

In the reporting period, between September 2010 and December 2014, Afghanistan has undergone major changes. 2014 was an exceptionally important year; as the international community was preparing to withdraw its forces, the Afghan Security and Defence Forces assumed full responsibility for providing security all over the country. Since then, armed enemies of Afghanistan have spared no effort in terrorizing the Afghan people and destabilizing the country. Joined by thousands of foreign terrorist fighters across the border, they have increased ground engagements and complex attacks on homes, markets, schools, mosques and critical infrastructure. By indiscriminately attacking civilian spaces, the Taliban and other terrorist groups have continued to kill and terrorize the Afghan people. This has resulted in the deaths of and injuries to over 10,000 civilians in 2014, with a 48 per cent increase in child casualties, and this terror campaign continues incrementally to this day.

An entire generation of children has grown up amid the conflict in Afghanistan. The violence in Afghanistan has resulted in a situation in which children are extremely vulnerable to exploitation by violent extremist groups. By brutally attacking schools, teaching staff and students, in particular women and girls seeking an education, the Taliban and other terrorist groups seek to hinder children's access to education and make them more vulnerable to exploitation. Children have been used by the Taliban and other terrorist groups for multiple purposes; they have been forced to act as informers, spies, human shields, foot soldiers, active combatants and even suicide bombers. Children are preferred by these violent groups because they are readily available, cheap and useful, can be manipulated and terrorized and are often willing to accept the most dangerous assignments because they lack a full understanding of their own mortality. These violent attacks, coupled with poverty and unemployment, lead to children often trying to join the security forces by falsifying their age and identification.

Keeping in mind the challenges of reconstruction in a post-conflict society, my Government has taken major steps to protect our children, who are the future of our nation. These include the comprehensive implementation and monitoring of the children and armed conflict action plan and its 15-point road map. In a measure considered a milestone, the Government of Afghanistan enacted a law prohibiting underage recruitment in security forces, which was ratified earlier this year. It also

developed unified verification guidelines for all security institutions to prevent underage recruitment. As a result of these significant changes, several hundred underage applicants attempting to enlist in security forces were rejected in 2014. The Government has also included children's rights in the curriculum of the security forces, which is a very important step to educate and sensitize the army and the police about the inalienable rights of the child.

We have also put in place a series of measures to raise public awareness through the establishment of dozens of community-based school protection councils in provinces and by convening various seminars and workshops to train religious scholars, teachers, elders and students on the rights of children, with the support of the international community. The Afghan Government is strong in its commitment to protect our children from extremist forces as well as internal turmoil; hence we are rigidly enforcing these child protection programmes and making sure that there is awareness in the communities about best practices. While the Taliban and foreign fighters are systematically committing atrocities against civilians and children, this report should take into account the harsh realities of Afghanistan — we are dealing with violent extremist groups and terrorists and, despite the Government's attempts at peace and reconciliation, the extremists are not open to that approach. It is important to note that most of these terrorist groups are under Security Council sanctions. The Government has made every effort to ensure its forces' compatibility with international standards of operations, which includes reviewing tactics and procedures for conducting operations highly focused on the protection of civilians as the ultimate goal; putting an absolute end to underage recruitment among its forces is also a core principle that the country abides by.

As suggested by the Secretary-General, the Government of Afghanistan is strongly committed to fulfilling its moral imperative and legal obligation in protecting children's rights in all circumstances. To this end, the Government of Afghanistan will continue its full cooperation with the Working Group and all relevant bodies of the United Nations, including the country task force, to ensure the full implementation of the action plan and all relevant Security Council resolutions concerning the protection of children. In conclusion, I want to emphasize the importance of providing a secure environment for our children. A few days back, in a gathering organized by civil society for children in Paktika Province, children desperately called for peace and security, beseeched the leaders to send them books instead of guns and, in a symbolic gesture, broke plastic guns. As Afghanistan moves towards a new era of reformation, we are committed to providing a stable and peaceful future for our children.